

Felony Case (Tel Aviv) 1137/02

State of Israel v. Nasser Mahmoud Ahmad Aweis

Q. Who used to finance Assam Abu Bakr, the one who used to provide you with money for the purchase of weapons?

A. Assam Abu Bakr would take money from the Fatah movement, from the budget which was authorized by the Chairman of the Fatah movement, Yasser Arafat.

Q. Who used to finance Majed al-Masri, the one who used to provide you with money for the purchase of weapons in order to carry out terrorist attacks against Israeli targets?

A. Majed al-Masri told me that he took money from Marwan Barghouti, and Majed was aware of, and participated along with me in, a number of shooting attacks against Israeli targets ...

Q. Did Marwan Barghouti provide you with money directly?

A. Yes, Marwan Barghouti finances [sic] me twice. The first time, he transferred NIS 3,000 to me by means of a deposit in the bank, and the second time, he transferred NIS 5,000 to me by means of a deposit.

Q. Did Marwan Barghouti know that you were carrying out terrorist attacks against Israeli targets?

A. Yes, he knew, and as I have already stated, my name was even published in the press, and the Israeli authorities told the Palestinian Authority that I was wanted for terrorist attacks, and my name was also published in the Hebrew press and in the local press in the West Bank and the Gaza Strip.

Q. Did Marwan Barghouti assist you in providing money, aside from what you have already stated?

A. Yes. Once I received a check for NIS 2,300 from him, authorized by Chairman Arafat ..." (See the Defendant's statement, P/5)

In addition, he answered questions (P/6) in the following manner:

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"Yes, I had several *noms de guerre* while I was carrying out the terrorist attacks, such as al-Aam, al-Hajj, al-Sheikh, al-Kabir ... and also I took ... two old [anti-]tank missiles in order to take the explosives out of them and to use the explosives to make explosive charges, and I used the explosive charges on the bypass road at Zuata ... I recruited him (the reference is to a person named Luay Odeh) into the *Kitaab Shuhadaa al-Aqsa*, about two months ago, and the purpose of recruiting him into the *Kitaab Shuhadaa al-Aqsa* was in order for him to assist us in terrorist attacks in the Jerusalem area, and in order for him to introduce suicide attackers [*mustashahids*] into Jerusalem. I also asked Luay to teach us how to manufacture explosives that were stronger than the explosives we were using, and Luay explained to me over the phone how to produce a certain material [*umm al-abd*], and I told him that we already know how to produce *umm al-abd* ... About a month and a half ago, I asked Luay to check out a way of introducing a suicide bomber into Jerusalem ... and my role was to coordinate between Mahmoud and Luay, in order to introduce the suicide attacker into Jerusalem. That terrorist attack was carried out, but without success, because policemen shot the suicide attacker before the terrorist attack ... Jazi Hussein asked me to agree to accept a call from a certain person, and a few days after that, Munir Maqadah, who is known as Abu Hussein, called me and asked us to continue perpetrating terrorist attacks and offered me financing, and I expressed my consent, and I gave Abu Hussein my bank account number in the Arab Bank in Nablus, in order for him to transfer money to me. In fact, Abu Hussein transferred money to me about six times, and deposited \$3,000 or \$5,000 ...

Q. What did you do with the money that Munir Maqadah transferred to you?

A. In order to perpetrate terrorist attacks ... According to the agreement with him, he used to provide me with money for the perpetration of terrorist attacks, and I would report to him on the attacks in conversations which I held with him by telephone and over the Internet ... I spoke with him about many terrorist attacks ... and I also reported to him on the suicide attack in Jerusalem and in Hadera, which we carried out ...

Q. What military connections existed between you and Yasir Abu Bakr?

A. After the outbreak of the al-Aqsa intifada, Yasir Abu Bakr enlisted in the *Kitaab Shuhadaa al-Aqsa*, and I asked Yasir to participate in terrorist attacks with us, and Yasir agreed to the proposal. I gave him an M-16 weapon, and Yasir carried out a shooting attack with the weapon which I gave him. The shooting attack was directed at an Israeli vehicle on the bypass road east of Nablus, and according to Yasir, the vehicle was not hit ...

Q. Did Yasir have any contact with suicide bombers?

A. Yes, Yasir and I worked together to send out suicide attackers with Mahmoud Titi and Ahmad Abu Khadr ... If we needed anything, such as photographing the suicide bombers or distributing posters, we would use Yasir. About two weeks before the army came into Nablus, I

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asked Yasir to try to obtain an explosive belt for a suicide bomber, in order to carry out a terrorist attack within Israel. Yasir, in fact, brought an explosive belt, and we gave it to a suicide bomber, who traveled with another person in order to perpetrate a terrorist attack in Israel, and when he got to Baqa al-Gharbiya, soldiers shot at him and they were both killed ...

[Q.] What kind of vehicle did the suicide attackers travel in?

A. I do not know, but I gave Ahmad NIS 3,500 in order for him to buy a stolen car to transport the suicide attackers, and Ahmad went with them to Tulkarm and showed them the way and came back by public transportation ...”

In his statement, P/7, he answered questions as follows:

“... And Mahmoud contacted me about this, because we are a military squad, and I expressed my consent to that terrorist attack ... It should be noted that Ahmad Abu Khadr contacted me, because I am in charge of *Kitaab Shuhadaa al-Aqsa* ... and after I heard on the radio that they were killed, I called the media and I told them that this terrorist attack was carried out by *Kitaab [Shuhadaa] al-Aqsa* ... but when I announced that we were taking responsibility for the terrorist attack, Mahmoud told me the names ... I was also involved in the shooting attack in Netanya which was perpetrated by suicide attacks – I do not know their names. Two days before that terrorist attack, Ahmad Abu Khadr called me and told me that he could bring two people into Israel, in order for them to carry out a suicide action, and I called Mahmoud Titi and asked him if he could bring in suicide attackers and he answered in the affirmative. I gave Ahmad two grenades and Mahmoud Titi gave them two M-16 weapons, and Ahmad Abu Khadr photographed them and explained to them about the terrorist attack ... Several hours later, we heard on television that fire had been exchanged between the suicide attackers and police forces near a hotel in Netanya, and that civilians

[Stamp] P 5: 255 [continued]

and policemen had been wounded in the attack, and two people had been murdered, and two others had been killed by the police. I called the media and took responsibility for the terrorist attack ...”

And in statement P/8:

“Q. Did you have contacts with Abd al-Karim Aweis?

A. Yes ... and I made contact with him and asked him to carry out military operations ...

Q. What did Mahmoud do with the explosive charges which you gave him?

A. For terrorist attacks, and I do not remember where the attacks were carried out.

Q. Do you know a man named Majdi Samir Halus?

A. I know him ... He asked me for an explosive charge, so as to carry out a terrorist attack on an Israeli military patrol, and I agreed, and I gave him an explosive charge which I had received ...

Q. Do you know a man named Hathem Abu Khadr?

A. ... and I took about 20 pistols and 20 Kalashnikov rifles from Hathem, through Ahmad, and ... an M-16, and I used to pay for those weapons out of my own money ...”

In his confession before the judge in arrest court, and as may be seen from the offenses imputed to him in the petition to extend the arrest order (P/23), the Defendant confessed to membership in a hostile organization, *Kitaab Shuhadaa al-Aqsa*, which belongs in Tanzim Fatah; participation in shooting attacks directed against Israeli targets in Samaria; involvement in recruiting suicide bombers; and sending them into Israel – suicide bombers who perpetrated murderous terrorist attacks. He also confessed to recruiting additional activists for the perpetration of terrorist attacks and the manufacture of explosives and explosive charges.

A witness for the prosecution, Ahmad Abu Khadr, sets forth in his statement, P/12: “I confess that, during the month of April 2001, Nasser Aweis proposed that I enlist in *Kitaab Shuhadaa al-Aqsa* and I agreed to that proposal, and since then, I have been an active member in the [*Kitaab*] *Shuhadaa al-Aqsa* organization, which belongs to Tanzim Fatah, and [I am still a member] to this day. After I joined that organization, Nasser Aweis asked me to distribute posters on behalf of [*Kitaab*] *Shuhadaa al-Aqsa*, and I did it ... and after that, I started to be involved in military activity. I participated in shooting attacks directed against the army, and I participated in laying explosive charges, and I also participated in preparing a number of suicide bombers and sending them to Israel to carry out suicide bombings ... Nasser Aweis is a resident of the Balata camp; he is about 29 years old and is also known as al-Hajj Rawaq, and he

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is one of the people in charge of the *Kitaab Shuhadaa al-Aqsa*, and he was my superior in the organization, and Nasser works for the National Security in Nablus and belongs to Tanzim Fatah ... The members of the group which I joined in *Shuhadaa al-Aqsa* are 1. Nasser Aweis – who was in charge of the *Kitaab Shuhadaa al-Aqsa* ...”

In his statement, P/13, Abu Khadr states as follows: “I confess that, during the month of March, about a month ago, Nasser Aweis asked me to transport a suicide bomber from Nablus ... in a stolen Pontiac which I received from Nasser ... I notified Amar that I do not know how to manufacture explosive charges, and therefore I took him to Nasser Aweis in the Balata camp and I asked Nasser to get hold of two explosive charges for him, and then Nasser called Mahmoud Titi ... About an hour later, Mahmoud Titi came and brought two explosive charges with him ... and after that, Amar received the explosive charges and each of us went home, and three days later, I heard that Amar had carried out a terrorist attack on a military jeep ... Because Saadi had contacted me several times, I notified Nasser Aweis, who gave his approval for me to go on planning a suicide bombing for Saadi, and therefore I met with Saadi and asked him to carry out a combined attack ... A week later, Saadi got back to me and told me that he agreed

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to my proposal, provided that he would be joined by two of his friends, Alaa and Mahmoud Hamuda. So I contacted Nasser and told him what Saadi had asked, and Nasser asked me to check whether the three of them were serious about their intention of carrying out a suicide attack ... After I trained them in firing an M-16, I videotaped Alaa and Saadi in my house, with each one holding an M-16, and with a Palestinian flag and the flag of *[Kitaab] Shuhadaa al-Aqsa* behind them, and Saadi read out the will that Nasser had sent ... That same day, I reported to Nasser Aweis that I had a suicide attacker with me, and Nasser asked to meet that terrorist. The next day, I took Majdi to a studio in Nablus to have his picture taken, and from there to Nasser Aweis's house, and I left him there. Two days later, Nasser asked me to purchase a car with Israeli license plates, and I bought a stolen black Mitsubishi for NIS 3,500 ... I got the money for the car from Nasser Aweis. After I bought the car, I went to Nasser's house with the car, and there I met Nasser and Majdi ... I was surprised to find another person there, named Fathi Amiri ... And then Nasser Aweis told me that those two people, Majdi Hanfar and Fathi Amiri, were about to go out and perpetrate a suicide attack in Israel. At that point, Nasser gave Majdi an M-16 weapon, and he gave Fathi two hand grenades ... About a year ago, Nasser Aweis asked me to buy him two bags of chemical fertilizer for the purpose of preparing explosive charges ... I bought them ... and I gave them to Nasser Aweis for the purpose of preparing explosive charges ... About a year ago, I purchased two M-16 rifles ... I got the money for those weapons from Nasser Aweis ...

Q. Where did you used to get the money for expenses for the military activity?

A. Nasser Aweis was in charge of me on behalf of *[Kitaab] Shuhadaa al-Aqsa*."

In his statement, P/18: "The plan for the perpetrators of the suicide attack inside the central bus station in Hadera was that Ziad and I ... and Nasser Aweis had the idea of sending one or two suicide bombers to carry out an integrated terrorist attack involving shooting followed by bombing, with an explosive charge that they would carry on their person. This would have a great effect and would cause mass casualties. Nasser Aweis took it upon himself to recruit the suicide bomber, and I took it upon myself to find an Israeli who would help introduce the suicide bomber into Israel ... In the end, we did not manage to carry out that terrorist attack ... Ziad Asasa told me ... that he had noticed a number of religious people concentrating in a synagogue [illegible, probably "between"] Baqa al-Gharbiya and Hadera, and he suggested that we should organize a suicide bombing there. I agreed, and I notified Nasser Aweis, who was in charge of me, and he said 'OK, we'll take it into account,' but in the end, it did not work out. In addition, Mahmoud Titi and [illegible, probably "Nasser"] Aweis and I talked about the possibility of carrying out a terrorist attack on the main fuel station in Israel, by waiting for a fuel tanker to arrive to distribute fuel in Nablus and placing an explosive charge in the tanker without the driver noticing – an explosive charge connected to a mobile phone – and later, when the tanker re-entered the main station, the explosive charge would be set off by calling the mobile phone connected to it. This was only a plan; it was not carried out ... I thought we would carry out a terrorist attack on the Ministry of Defense in Tel

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Aviv. I talked about it with Nasser Aweis and Mahmoud Titi, and we decided to look for trained activists who would carry out such a terrorist attack ... I would bring the weapons from Nasser Aweis every time anyone went out to perform a terrorist attack ...”

And in statement P/20: “... I am certain that Yasir (Abu Bakr) knew the rifles were intended for suicide attackers who were going out to perform terrorist attacks within Israel, because Yasir is the confidant of Nasser Aweis, and that Yasir was the one who wrote the posters for Nasser Aweis – the posters taking responsibility for terrorist attacks which were planned by Nasser Aweis ...”

The witness Muhammad Yadak states, in statement P/40A: “Mahmoud Titi contacted me and told me that he was planning to set up a military squad belonging to Tanzim Fatah. He suggested that I enlist in the military squad, and Mahmoud said that the purpose of setting up the squad was to carry out terrorist attacks against the Israeli army in the Nablus area. I agreed [illegible, probably “to this”] and, within the framework of the military squad, I participated in 10 shooting attacks directed against Saqen in the Nablus area. Participating in the shooting attacks along with me was ... Nasser Aweis, about 35 years old, from the Balata camp, who was in charge of the Tanzim in Nablus ...

Q. Who used to plan and prepare for the perpetration of the terrorist attacks in which you participated?

A. Nasser Aweis was the one who used to plan for the perpetration of the terrorist attacks, and he was the one who used to supply us with the weapons ...”

[Stamp] P 5: 257 [continued]



And in statement P/40B: "In the beginning of October 2001, Mahmoud Titi and I met with Nasser Aweis ... and there Nasser offered to teach us how to prepare explosive charges for the purpose of carrying out terrorist attacks and supplying explosive charges to others in the Tanzim Fatah. After Mahmoud and I had consented to this, Nasser Aweis came to us, to the apartment where Mahmoud Titi and I live, in Rafidiya, and Nasser Aweis had explosives in his possession, in five bags, 10 kg in each bag. He also had about 10 gas cylinders of various sizes in his possession, as well as electric wires and batteries, and in the apartment, Nasser Aweis taught us how to prepare an explosive charge and set it off. Nasser also taught us how to prepare explosives from the following materials: 1. Agricultural fertilizer containing potassium, 2. Sulfur, 3. Charcoal ... Nasser Aweis provides [sic] us with the materials required for preparation of the explosive charges ... The apartment in Rafidiya served for the preparation of explosives and charges ... We used to give the explosive charges which we prepared to people from Tanzim, for the purpose of carrying out military terrorist attacks against Israeli targets in the West Bank ..."

In statement P/40C: "Q. In your first statement, you stated that Nasser Aweis was the one who used to plan the perpetration of the terrorist attacks and that he was in charge of Tanzim Fatah in Nablus. Did you use to inform Nasser Aweis of the perpetration of the terrorist attacks in which you participated, and of the terrorist attacks which were performed by others with whom you were in contact in Tanzim Fatah?

A. Yes, Mahmoud Titi and I would inform Nasser Aweis of every terrorist attack we carried out, as well as other terrorist attacks which were carried out by other people with whom we were in contact ...

Q. Were you in contact with Marwan Barghouti?

A. No, I had no contact with him. Nasser Aweis had contact with Marwan Barghouti, and he would inform [him] of the terrorist attacks which were carried out against Israeli targets ..."

And in statement P/40D: "About a month after the terrorist attack on the settlement of Gidonim, Kamal Abuar came to me and asked me for the M-16 rifle, which I had taken from the guard whom I murdered in Gidonim. I gave the weapon to Kamal Abuar to use in a terrorist attack, and he returned the weapon to me the next day and told me what he had done with the weapon. I would like to add that Nasser Aweis took the M-16 weapon from me twice, in order for Tanzim activists to use it, and in September 2001, Nasser Aweis took the weapon from me for the purpose of placing an explosive charge ... and this was carried out by Abu Shahadi, an activist in Force 17 ... In October 2001, Nasser Aweis took the weapon from me for a shooting [attack] ... [on] a military position ..."

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The witness Ahmad Barghouti sets forth, in his statement P/43A: "Q. Why did you call Nasser Aweis? A. Because he is in charge of [*Kitaab*] *Shuhadaa al-Aqsa* and he does things like that. I asked Nasser Aweis if he could help me by bringing me someone who wanted to carry out a terrorist attack, and I would send him to Jerusalem to carry out a terrorist attack there, and Nasser said he would send me someone ...

In statement P/43C: "After I telephoned Nasser Aweis and told him about the terrorist attack (this was the terrorist attack described in the first count of this indictment, which took place in the Seafood Market restaurant), because Nasser Aweis is in charge of *Kitaab Shuhadaa al-Aqsa* ... Q. Tell me where the money for this activity came from. A. I gave Nasser Aweis my bank account number, and he deposited about 7,000 shekels in my account ...

Q. Tell me about your contacts with Nasser Aweis.

A. I had Nasser Aweis's mobile phone number, and we would talk on the phone about the operations, and Marwan Barghouti knew about those contacts and that we used to talk. One day, Nasser told me that he would send Faiz to me, and that I should prepare him and send him out to carry out a suicide bombing ... Then Ali told me that Marwan had told him not to give me money and weapons at that time. I told Nasser Aweis that, and he said that that was all right, that we would go on, and that he would bring the weapons and money. I remember that Nasser Aweis told me that he had other people who wanted to carry out suicide bombings, and that he would send them to me ..."

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And in statement [P/43D: "That night, when the terrorist attack took place at the event hall in Hadera ... I called Nasser Aweis, and he told me that he was in charge of that terrorist attack that is, that *Kitaab Shuhadaa al-Aqsa* had carried out that attack. I agreed with Nasser Aweis that, the next day, he would give me a poster stating that he was taking responsibility for the terrorist attack. The next day, Nasser sent me the poster by fax and I photocopied it 1,000 times and distributed it in Ramallah ..."

In statement P/43E: "I, Ahmad Barghouti, use the *nom de guerre* of France, and I was responsible for *Kitaab Shuhadaa al-Aqsa*, together with Nasser Aweis ..."

The witness Yasir Abu Bakr stated, in his statement P/47A: "Nasser Aweis is in charge of *Kitaab Shuhadaa al-Aqsa*, and he is wanted in Israel. In September 2001, Nasser Aweis called me and asked me to prepare a poster for him, for the first anniversary of the al-Aqsa intifada ... I prepared such a poster and I gave it to Nasser, at his house in Balata. In addition, after the death of Raad al-Karami, Nasser Aweis used to call me after terrorist attacks and asked me to write posters, in which *Kitaab Shuhadaa al-Aqsa* took responsibility for the terrorist attacks, and I agreed ... After a terrorist attack took place, Nasser Aweis would call me and tell me where the attack was and who the young man who carried out the suicide bombing was, and I would prepare the posters and would write that *Kitaab Shuhadaa al-Aqsa* took responsibility for the terrorist attack. After that, I would transfer the poster to Nasser Aweis, and he would send it out to journalists by fax. Q. You told me before that Nasser Aweis was in charge of *Kitaab Shuhadaa al-Aqsa* in Balata and was wanted in Israel. Can you tell me about Nasser Aweis's fellow members of the terrorist squad? A. They are a squad of *Kitaab Shuhadaa al-Aqsa*, and Nasser Aweis was in charge of the squad."

And in P/47B: "About three weeks ago, Nasser Aweis called me and asked me to get him two explosive belts urgently, for a suicide bombing. Nasser Aweis told me to bring explosive belts from another person, and not from Mahmoud Titi, because the explosion produced by an explosive belt that Mahmoud Titi prepared was too weak. They had tried out such an explosive belt, and the explosion was weak ... I contacted Khaled al-Asmar, because he has a friend who knows how to manufacture explosive belts ... Two days later, Khaled al-Asmar told me that Rabia Abu Rub had prepared one explosive belt for us ... and I transferred it to Ahmad Abu Khadr ..."

In P/47C: "In the beginning of 2001, I was in Nasser Aweis's home in the Balata refugee camp, and there, Nasser Aweis proposed that I enlist in the al-Aqsa Martyrs' Brigades for military activity, and I agreed. Q. Did Nasser Aweis tell you [plural] what military activity you were supposed to carry out? A. Yes, he said that we would be carrying out terrorist attacks against Israeli targets, and then he proposed that we carry out a terrorist attack involving an explosive charge and shooting, against a military vehicle ... "

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In P/47D: "About a month and a half ago, I called the mobile phone of Nasser Aweis, who is in charge of the Tanzim - *Kitaab Shuhadaa al-Aqsa* in Nablus ... and I suggested to Nasser that Tel Hashomer Hospital in Israel was a good place for a terrorist attack. I had heard that there were Israeli soldiers in Tel Hashomer Hospital, and therefore I suggested carrying out a terrorist attack there. Nasser told me to forget about that for the time being, and asked me to talk about it with Ahmad Abu Khadr, a man in his twenties, a senior activist in the Tanzim, Nasser Aweis's assistant ... About two months ago, in the evening, Nasser Aweis contacted me - I told you about him - and asked me to contact GAP [sic] activists and check with them about helping to carry out military activity and terrorist attacks. I told Nasser that I knew a GAP [sic] activist ... Nasser told me to go to him. I met with ... and I told him that I worked with Nasser Aweis ... "

And in statement P/47E: " ... Jalil told me that he had a man who was willing to carry out a suicide attack. So after a few minutes, I called Nasser Aweis and told him that there was a suicide attacker who was willing to carry out a suicide attack, and Nasser Aweis

[Stamp] P 5: 259 [continued]

instructed me that the man should go to Ramallah ... After about a week, or five days, I heard on the news that a suicide attacker named Rami Nur, from Nablus, had perpetrated a shooting attack in the area of [illegible] ... in Jerusalem, and two Jews had been killed in that terrorist attack and others had been wounded, and Rami Nur had been wounded and was in severe condition, because he had been shot by the soldiers. After the news, on the day of the terrorist attack, Nasser Aweis called me and told me that the perpetrator was Rami Nur, an activist in the Tanzim, and instructed me to prepare a poster on behalf of *Kitaab Shuhadaa al-Aqsa*, stating that the organization was taking responsibility ... “

Pursuant to Section 1 of the Prevention of Terror Ordinance, 5708 - 1948, “a ‘Terrorist Organization’ is an assemblage of persons which, in its operations, makes use of acts of violence which are likely to cause the death or injury of a human being, or threatens such acts of violence. A ‘Member of a Terrorist Organization’ is a person who belongs to that organization, including a person who participates in its operations, who publishes propaganda on behalf of a Terrorist Organization or of its operations.”

Pursuant to Section 2 of the above mentioned Ordinance, a person holding, *inter alia*, a position involved in management or instruction in a Terrorist Organization, or involved in the deliberations or the decision making of a Terrorist Organization, is considered to be an activist in such an organization.

The citations appearing above are only one example of the broad and detailed web spread out for us, on the basis of the statements made by the Defendant and his accomplices, on which we relied - a web of facts which properly substantiates the legal conclusion that the foundations for the offenses against Section 2 and 3 of the Ordinance have been properly made, as well as the conclusions that the organizations to which the Defendant and his accomplices belonged are Terrorist Organizations.

In addition to offenses against the [Prevention of] Terrorism Ordinance, which the State imputes to the Defendant in all of the charges set forth in the indictment, it also imputes to him, in all of the charges, offenses against Section 499 of the Penal Code, 5737 - 1977.

The offense of conspiracy basically consists of an agreement between two or more persons to carry out an illegal act. The engagement must be for the purpose of achieving a common goal, and the engagement must be accompanied by the intention of realizing the common goal. The goal intended, as set forth above, is a goal defined by law as illicit.

The web of facts mentioned above also properly substantiates the conclusion that the Defendant committed the offenses against Section 499 of the Penal Code, 5737 - 1977.

The Defendant's confession with regard to his position, status and activity within the organization to which he belonged - activity was intended to carry out terrorist operations, which

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even had murderous and damaging results, as shall be set forth below - is fully supported by an additional, substantial item derived from separate and independent sources: the assertions by each of the accomplices, which - each in its own way - embroil the Defendant in the offenses imputed to him, and which relate to a real point which is in dispute. The supplementary evidence which reinforces the testimony by the accomplices has already been discussed above.

The State has proven the actions which are imputed to the Defendant.

**Count No. 1:**

[Stamp] P 5: 260 [continued]

On March 5, 2002, the terrorist Ibrahim Hasuna (hereinafter: "Hasuna") came to the Seafood Market restaurant in Tel Aviv, armed with an M-16 rifle, hand grenades, and a knife, with the intention of carrying out a murderous terrorist attack.

When Hasuna arrived on the scene, the restaurant was full of scores of people. Hasuna started firing at the people in the restaurant from the Maariv House Bridge, threw hand grenades - which miraculously did not explode - into the restaurant, and immediately thereafter, entered the restaurant and stabbed people sitting inside, all in order to intentionally cause the death of many persons who were in the restaurant at the time.

In that incident, Sergeant Major Salim Barikat of blessed memory, age 33, who was one of the first policemen to reach the scene of the attack and tackled Hasuna with the intention of arresting him, Yosef Habi of blessed memory, age 52, and Eliyahu Dahan of blessed memory, age 53, were stabbed to death by Hasuna's knife. Scores of other persons were wounded, some of them seriously. After the security forces arrived on the scene of the terrorist attack, Hasuna was shot to death. (See testimony: Witness No. 3 for the prosecution, Commander Haggal Dotan, Witness No. 4 for the prosecution, Brigadier General Uri Barlev (presentation P/4); Witness No. 8 for the prosecution, Uriel Eliyahu, Witness No. 9 for the prosecution, Staff Sergeant Shai Cohen, Witness No. 11 for the prosecution, Leon Gorenstein, Witness No. 13 for the prosecution, Adi Maoz, Witness No. 17 for the prosecution, Efi Yamin; P/32 (activity reports on the preservation of the scene of the crime and the seizure of exhibits); P/33 (an M-16 rifle); P/34 (a bloody knife); P/35 (a board of photographs); P/24 (an activity report); P/25 (an activity report); P/52 through P/57 (expert opinions).

According to an argument that was set forth by the State, the Defendant - who, as set forth above, was one of the senior commanders of the Terrorist Organization - entered into a conspiracy with other activists in the organization, including Mahmoud Titi and Ahmad Barghouti (Witness No. 23 for the prosecution), for the purpose of perpetrating a terrorist attack which was intended to intentionally cause the death of many Israeli civilians. Within the framework of this organization, which was headed by the Defendant, Hasuna was recruited, supplied with equipment and transported to Tel Aviv, to the site of the restaurant. Among other things, the Defendant instructed Mahmoud Titi to film Hasuna before he set out to perpetrate the terrorist attack, as a suicide attack, so that afterward it would be possible to send the [video] cassette, with Hasuna on film, to various television stations. In fact, after the terrorist attack on the restaurant, the Defendant did call the various television stations and other media and informed them that the Terrorist Organization was responsible for the terrorist attack and had even carried it out.

The admission by the Defendant is as follows:

"Q. Did you have any involvement with suicide attacks in Tel Aviv?

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A. Yes, Mahmoud Titi told me, early in March 2002, when he came to my home in Balata camp, that Ahmad Barghouti was asking me to provide a person who would carry out a suicide attack (*istishhad*) in Tel Aviv, and informed me that he was about to contact a person named Ibrahim Hasuna, originally from Gaza, who was serving in the naval force [sic] in Nablus, and Mahmoud gave Ibrahim an M-16 weapon and hand grenades. Mahmoud contacted me in that matter because we are a military squad, and I expressed my consent for that terrorist attack. He sent Ibrahim to Ramallah by public transportation, and we agreed with Ahmad Barghouti that he would meet Ibrahim Hasuna in Ramallah. It was further agreed that Mahmoud would film Ibrahim before the terrorist attack was carried out, and that afterward, we would send the [video] cassette to the television stations. In fact, after that, Ibrahim came to Ramallah, and as far as I know, Ahmad brought him into Israel and Ibrahim came to Tel Aviv, and I Stipulated Award on the news that he had fired at the Israelis in the restaurant and had been killed. Then I called the television stations, and I called [sic] and told them that the terrorist attack had been carried out by *Kitaab Shuhadaa al-Aqsa*.

Q. As far as you know, how many people were killed in the terrorist attack in Tel Aviv?

A. As far as I know, two or three people were killed and more than 20 people were wounded.

Q. Which television stations did you call to tell them that the terrorist attack had been carried out by [your organization]?

A. Al-Jazeera, Abu Dhabi, Israel, al-Manar, and the local press.

[Stamp] P 5: 261 [continued]

Q. Do you have anything to add about the terrorist attack in Tel Aviv?

A. No, but at about that time, Ahmad Abu Khadr from *Kitaab Shuhadaa al-Aqsa* contacted me and said that there were two people who wanted to carry out a terrorist attack in Israel, and I agreed to that. I informed Ahmad Barghouti of the matter and asked him if he would be able to bring them in, and it was agreed with Ahmad Abu Khadr that Alaa Abu Mustafa and Ayman Badr would take the two *mustashhids* to Ramallah. After that, I called Ahmad Barghouti and told him that the people were on their way to him. I should note that Ahmad Abu Khadr contacted me because I am responsible for *Kitaab Shuhadaa al-Aqsa*."

(See P/7)

The "additional item" is as follows:

The witness Ahmad Barghouti [stated as follows]:

"... Nasser Aweis called me and told me that he had another young man who wanted to carry out a suicide attack, that he was sending him to me, and I said OK. After that, a young man called me and told me that he was coming to me on behalf of Nasser Aweis. I sent al-Nuf to bring him, and I gave al-Nuf NIS 1000 and I told al-Nuf to buy the young man new clothes and to take him to have a haircut. I also told al-Nuf that, after that, he should bring the man to the rented apartment in Ramallah near the Arab Bank, where Rami Nur had been before that. After that, when I arrived at the rented apartment, I saw the young man, who told me that his name was Ibrahim Hasuna, that he was 21 years old, and he said he came from Gaza. After that, I told al-Nuf that he should take Ibrahim Hasuna to Israel, so that he could carry out a terrorist attack there, and I told al-Nuf that I would also bring him a weapon, for him to carry out a terrorist attack. After that, al-Nuf bought an M-16 rifle and gave it to Ibrahim Hasuna, and after that, al-Nuf took Ibrahim Hasuna to the Amari refugee camp, to Haloum Abu Hamid, and they stayed there three days. After the three days, al-Nuf called me and told me that he was going out, and after that, I heard that this Ibrahim Hasuna had carried out a terrorist attack in Tel Aviv, in a restaurant, and that he had gone there with Murad Ajluni and Mazen al-Qadi, and that both had been caught ... and after several days, Mahmoud Titi, who is an activist in [*Kitaab*] *Shuhadaa al-Aqsa* and works with Nasser Aweis, called me ... and Mahmoud told me that he had someone who wanted to carry out a suicide attack, and that he would send him to me, to Ramallah, and I said OK ..." (See P/43A)

The witness Ahmad Barghouti, in P/43C: "Q. Tell me about your activity with regard to the terrorist attack in Tel Aviv at the Seafood [Market] restaurant.

A. The one who carried out that terrorist attack was Ibrahim Hasuna, who came from the Nablus area, from Nasser Aweis ... After that, I called Marwan Barghouti on his mobile phone – I was in contact with him at the time – and I would tell [sic] him that the terrorist attack

[Stamp] P 5: 262



had gone out for execution. Marwan Barghouti told me that he did not want the terrorist attack to take place inside Israel, and I told him that it would be all right. After that – this was about 3:00 a.m. – Ali Tareq al-Nuf called me and told me that the terrorist attack had been carried out, and he told me to watch it on television. At that point, I called Marwan Barghouti and I told him that the terrorist attack had been carried out, and that he should watch it on television, and Marwan told me that he was watching it on television. Marwan did not say anything to me about having heard that the terrorist attack had been carried out within Israel, and not in the West Bank, as he said it should be. After that, I called Nasser Aweis and I told him about the terrorist attack, because Nasser Aweis is responsible for *Kitaab Shuhadaa al-Aqsa*.”

**Count No. 2:**

[Stamp] P 5: 262 [continued]

On January 17, 2001, the terrorist Abd al-Salaam Hasuna (hereinafter: "Abd al-Salaam") came to the Armon David event hall in Hadera, armed with an M-16 rifle and hand grenades and wearing a vest with ammunition clips, with the intention of carrying out a murderous terrorist attack.

The Bat Mitzvah celebration of a young girl, Nina Kardashov, was taking place in the hall at the time, with scores of guests. Abd al-Salaam burst into the hall, shooting in all directions, and before being overcome by some of the guests, succeeded in intentionally causing the death of six of the guests: Anatoly Bakshayev of blessed memory, age 63, Edward Bakshayev of blessed memory, age 48, Boris Malikhov of blessed memory, age 56, Dina Binayev of blessed memory, age 48, Alice Ben Israel (Aharon) of blessed memory, age 32, Avi Yazdi of blessed memory, age 25, and wounding scores of other persons, some of them seriously (see the testimony of Witness No. 1 for the prosecution, Brigadier General Moshe Waldman, Witness No. 24 for the prosecution, Shimon Lugasi, Witness No. 12 for the prosecution, Konstantin Kardashoff, Witness No. 20 for the prosecution, Superintendent Yehuda Peretz, P/1 (presentation), P/27 (medical documents), P/36 (M-16 rifle), P/44 (cassettes), P/58 (expert opinion), P/59 (death certificate of Anatoly Bakshayev of blessed memory), P/60 (death certificate of Avi Yazdi of blessed memory), P/61 (death certificate of Boris Malikhov of blessed memory), P/62 death certificate of Dina Binayev of blessed memory), P/63 through P/66 (expert opinions).

According to an argument that was set forth by the State, the Defendant – who, as set forth above, was one of the senior commanders of the Terrorist Organization – conspired with Ahmad Abu Khadr (Witness No. 6 for the prosecution) and additional activists to perpetrate a terrorist attack, which was intended to deliberately cause the death of many Israeli civilians. Within the framework of this organization, which was headed by the Defendant, Abd al-Salaam was recruited, trained in firing an M-16 rifle, supplied with weaponry and ammunition clips for the purpose of the training and the perpetration of the deed, and transported to the site of the terrorist attack in Hadera. Prior to the terrorist attack, Abd al-Salaam was photographed on the instructions of the Defendant, reading a will which had been written for him by the Defendant and holding an M-16 rifle which belonged to the Defendant in his hand, so that afterward it would be possible to send the photographs to the media. In fact, after the terrorist attack, the Defendant did instruct Yasir Abu Bakr (Witness No. 25 for the prosecution) to prepare posters which were distributed, and which stated that the Terrorist Organization was responsible for the terrorist attack and had carried it out.

The admission by the Defendant is as follows:

P/5:

"12. I supplied Abd al-Salaam Hasuna with weapons for carrying out the suicide attack in Hadera."

[Stamp] P 5: 263



P/6:

"A. I spoke with him about many terrorist attacks, and I remember that I spoke with him about a shooting attack which I had carried out along with Muayad Jamil and Mahmoud Titi and Baid Abu Mustafa near the Hawara refugee camp, directed against a military vehicle. I also spoke with him about placing explosive charges in the vicinity of Zuata; I had participated in those terrorist attacks along with Muayad Jamil and Muhammad Yadak and Mahmoud Titi and Ahmad Abu Khadr, and I reported to him about the suicide attack in Jerusalem and in Hadera, which we had performed.

Q. Which suicide attack in Hadera?

A. The one carried out by Abd al-Salaam Hasuna."

"[Q.] Can you explain how the terrorist attack was carried out in Hadera and Jerusalem?

A. Yes. Abd al-Salaam Hasuna, a resident of Beit Amrin, contacted Ahmad Abu Khadr (Witness No. 6 for the Prosecution) and told me [sic] that he wanted to commit suicide [*al-laset shahad*] and Ahmad contacted me and told me. And after Raad al-Karami died, we decided to carry out a terrorist attack, and Ahmad photographed Abd al-Salaam Hasuna in the Balata refugee camp, and I gave him weapons: an M-16 and a hand grenade, and we gave Abd

[Stamp] P 5: 263 [continued]

al-Salaam NIS 400. He went to Tulkarm by public transportation, where he met with Mahmoud Titi in the home of Mansour Sharim, a resident of Tulkarm. From there, according to the [plan for the] terrorist attack, Mahmoud was responsible for sending him to Hadera, and the terrorist attack was carried out in the hall, and as far as I know, a number of people were killed in that attack."

The "additional item" is as follows:

The witness Ahmad Abu Khadr, P/17, p.3:

"I also confess that I was the one who photographed Abd al-Salaam Hasuna of Beit Amrin before he set out to carry out the suicide attack in Hadera, about six months ago."

P/18, p.14: "To tell the truth, I was the one who recruited Abd al-Salaam Hasuna, a resident of Beit Amrun [sic]. Abd al-Salaam is a friend of mine and we worked together in Nablus in the National Security. Abd al-Salaam asked me, about six months ago, to arrange for him to carry out a suicide attack ... After Abd al-Salaam asked me to arrange for him to perpetrate a suicide attack in Israel, I contacted Nasser Aweis and told him about Abd al-Salaam ... and then we decided to send him out for a suicide attack in revenge for the death of Raad al-Karami. Nasser asked me to train him in the use of weapons, so that he would be prepared to carry out the terrorist attack successfully. That is what I did; I trained him to use an M-16 rifle ... I took the weapon and eight clips of bullets from Nasser Aweis. The day fater that, I brought Abd al-Salaam to Nasser Aweis's house in the Balata refugee camp, and, in Nasser Aweis's house and in his presence, I filmed Abd al-Salaam reading the will written by Nasser and holding an M-16 weapon belonging to Nasser, and making the hand gesture of the *shahadaa*. We filmed him with a video camera and photographed him with an ordinary camera. Nasser took the cassette and the pictures. We gave Abd al-Salaam an M-16 rifle and six clips of bullets and two hand grenades, which Nasser had brought. After the photography session, at about 8:00 p.m., I went out to look for a taxi, and I found Ayman, a taxi driver who lives in Balata, about 26 years old, and I asked him to help us transfer a young man to Tulkarm, without telling him that he was a suicide attacker. He agreed to do that, and took Abd al-Salaam to Tulkarm. He took the M-16 rifle, the clips of bullets and the hand grenades in a bag, after having disassembled the M-16 into two pieces. When Abd al-Salaam had gone to Tulkarm in Ayman's Taxi, Masr called Mahmoud Titi and informed him that the man was on his way to him. I should note that Nasser had spoken with Mahmoud Titi before that and had told him to prepare himself to meet Abd al-Salaam, in order to help him enter Israel. I knew that from Nasser. I was not involved in the conversations between them. I was later told that Mahmoud Titi had received Abd al-Salaam in Tulkarm, and that, when [Abd al-Salaam] reached Hadera, he prepared a terrorist attack in an event hall, and that he was killed, and that he killed a number of Israelis, I think six in all ..."

Ahmad Barghouti, P/43D:

[Stamp] P 5: 264



"The night of the terrorist attack in the event hall in Hadera, I was with Marwan Barghouti, Karim Aweis and 'Abu Rabia' in the Orthodox restaurant in Ramallah. Suddenly, they announced on television that the terrorist attack had taken place in the event hall in Hadera. I called Nasser Aweis and he told me that he was responsible for that terrorist attack – that is, that members of the *Shuhadaa al-Aqsa* Brigades had carried out that terrorist attack. I agreed with Nasser Aweis that, the next day, he would give me a poster stating that he was taking responsibility for the terrorist attack. The next day, Nasser sent me the poster by fax and I photocopied it 1,000 times and distributed it in Ramallah."

**Count No. 3:**

[Stamp] P 5: 264 [continued]

On January 22, 2002, the terrorist Said Ramadan came to the corner of Jaffa Road and Lunz Street in downtown Jerusalem, armed with an M-16 rifle and two clips of bullets, with the intention of perpetrating a murderous terrorist attack. Ramadan shot at civilians who were passing there at the time, and intentionally caused the death of Sarah Hamburger of blessed memory, age 79, and Ora (Svetlana) Sandler of blessed memory, age 56, who were innocently walking down the street, and wounded scores of persons, some of them seriously. Ramadan was shot to death by policemen who reached the scene. (See the testimony of Witness No. 22 for the prosecution, Avi Ben Ami, Witness No. 26 for the prosecution, Asaf Azulai, Witness No. 3 for the prosecution, Commander Haggai Dotan, Witness No. 14 for the prosecution, Ben Naim Hanan, Witness No. 15 for the prosecution, Noam Gabbai, P/30 (presentation), P/48 (M-16), P/48A (report on the seizure of exhibits), P/77 (photographs from the scene of the incident), P/78 (death certificate of Sarah Hamburger of blessed memory), P/79 (death certificate of Ora Sandler of blessed memory).

According to an argument that was set forth by the State, the Defendant – who, as set forth above, was one of the senior commanders of the Terrorist Organization – entered into a conspiracy with Mahmoud Titi and other activists, for the purpose of perpetrating a terrorist attack which was intended to intentionally cause the death of many Israeli civilians. In order to promote and implement the conspiracy, which was headed by the Defendant, Ramadan was recruited, supplied with equipment, photographed as a suicide attacker – all according to the pattern typical of the Organization, as described in the previous accounts – and transported to the scene of a terrorist attack. Following the terrorist attack, the terrorist's photograph was distributed to the media.

The admission by the Defendant is as follows:

P/5:

"11. I supplied Said Ramadan with weapons for carrying out the suicide attack in Jerusalem."

P/6:

"Q. Which terrorist attack in Jerusalem?"

A. The terrorist attack carried out by Said Ramadan in September 2001."

"... And the terrorist attack in Jerusalem was carried out in such a way that Said Ramadan contacted Mahmoud Titi and said that he had been a friend of Raad Karama and that he wanted to avenge his killing, and Mahmoud told me. I then met with Said and I understood that he wanted to carry out the terrorist attack, and I called Ahmad Barghouti in Ramallah and I asked him to take him to Jerusalem, and Ahmad agreed. Said went to Ramallah by public transportation, where me met with Ahmad Barghouti. The next day, Said went to Jerusalem and

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shot at a group of policemen and civilians, and in that terrorist attack, two people were killed, and so was Said.”

The “additional item” is as follows:

Ahmad Barghouti, P/43A:

“I asked Nasser Aweis if he could help me by bringing me someone who wanted to carry out a terrorist attack, and I would send him to Jerusalem to carry out the attack there. Nasser told me that he would send me someone, and after some time, Said Ramadan, from the village of Tel Shekhem, about 25 years old, came to me and said that he would carry out the terrorist attack. I met him next to the movie theater in Ramallah and I called Muhammad Abu Satkha and told him to come too, and from there, we went to the barber shop where Said got a haircut. Then we called Fares Hatawi and asked him if he could bring the man into Jerusalem, because he wanted to carry out a suicide attack, and Fares said that he could do it, and then Fares went out in his car to look at the road and see what was happening. Meanwhile, Ahmad Abu Satra [sic] and I

[Stamp] P 5: 265 [continued]

took Said to [illegible, probably "pray"] and eat, and I bought him new clothes and shoes with my own money, for NIS 1,200. After that, I told Muhammad Abu Satra [sic] to bring an M-16 rifle and three clips of bullets and give them to Said, and he did. Then Fares Hatawi and Muhammad Sami arrived in an Isuzu which belonged to Fares, and it was in the afternoon when they went with Said to Jerusalem. We wished them success and they drove off with Said. I did not tell them where to go; they could take him wherever they wanted to.

Q.-A. We did not film Said on video before the terrorist attack, because Nasser Aweis had already done so.

Q. At the beginning of your testimony, you told me that you do not know Fares Hatawi, Muhammad Sami, and all the rest, and now I see that you did meet them. How is that?

A. I met them in Raad Karami's mourning tent, and that was when I saw them. At about 4:30 p.m., I heard on the news that there had been a shooting attack in Jaffa Road in Jerusalem, and I knew that was Said's terrorist attack. So I called Fares Hatawi and asked him if they had been the ones ... who had taken Said to Jaffa Road, and Fares said that they had dropped him off in Jaffa Road, and that they had heard the shots he fired after he got out of the car. The next day, I took \$1,000 from Ali Fares Barghouti and I told him that the people had gone out to perpetrate a terrorist attack, and that the weapons had been lost in the terrorist attack. I gave Fares Hatawi and Muhammad Abu Satria [sic] and Muhammad Sami each \$100 for that terrorist attack. After that, Fares Hatawi, Muhammad Sami, al-Nuf, and another man named Husam Shehadeh from Qatanduha came to me and asked me why I had not paid them for the terrorist attacks that they carried out, and I said that I would look into it."

#### **Count No. 4:**

On March 9, 2002, the terrorists Shahadi al-Najmi and Said Bata arrived in the area of Jeremy Hotel on Gad Machnes Street in Netanya, armed with M-16 rifles and fragmentation grenades. The two fired bursts into the lobby of the hotel and threw two fragmentation grenades. The two succeeded in intentionally causing the death of a one year old baby, Avia Malka of blessed memory. As the security forces were overcoming the two, Yihya Israel of blessed memory, age 29, who happened to be nearby, was also shot. As a result of the act committed by the two, scores of additional persons were wounded, some of them seriously. (See the testimony of Witness No. 2 for the prosecution, Brigadier General Aharon Franco, Witness No. 10 for the prosecution, G.M., witness No. 16 for the prosecution, Sergeant Major Malka, P/28 (report), P/26 (medical documents of Witness No. 11 for the prosecution), P/29-P/30 (assault rifles), P/31 (photographs), P/67 (expert opinion), P/68 (death certificate of Avia Malka of blessed memory), P/69-P/71 (expert opinions).

According to an argument that was set forth by the State, the Defendant – who, as set forth above, was one of the senior commanders of the Terrorist Organization – entered into a conspiracy with Mahmoud Titi and Khadr (Witness No. for the prosecution), for the purpose of

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perpetrating a terrorist attack which was intended to intentionally cause the death of many Israeli civilians. Within the framework of this organization, which was headed by the Defendant, and in order to carry out [the terrorist attack], Shahadi and Said were recruited, equipped with an M-16 rifle, 12 clips of bullets and two hand grenades, photographed reading their wills and holding an M-16 rifle, and transported to the scene of the terrorist attack. After the terrorist attack and in accordance with the typical pattern, the Defendant called the media and informed them that the Terrorist Organization was responsible for the terrorist attack and had carried it out.

The admission by the Defendant is as follows:

P/5:

"6. I delivered weapons for the perpetration of a terrorist attack in Netanya."

[Stamp] P 5: 266 [continued]

P/7:

“Q. Did you have any involvement with a shooting attack in Netanya?

A. Yes, I was involved with a shooting attack in Netanya, which was carried out by terrorists whose names I do not know. About two days before that terrorist attack, Ahmad Abu Khadr called me and told me that he would be able to bring two people into Israel, in order for them to carry out a suicide attack, and I contacted Mahmoud Titi and asked him if he could bring in suicide attackers, and he answered in the affirmative. Then I gave Ahmad two grenades and Mahmoud Titi gave them two M-16 weapons, and Ahmad Abu Khadr photographed them and explained to them about the terrorist attack. Then Ahmad Abu Khadr went with them as far as Baqa al-Sharqiya and left them, and they walked along a dirt road into Israel and went from there to Netanya, and Ahmad went back to Nablus. After a few hours, we heard on television that there had been an exchange of fire between the suicide attackers and police forces near a hotel in Netanya, and that civilians and policemen had been wounded in the terrorist attack, and that two people had been murdered and two others had been killed by the police. I called the media and took responsibility for the attack.

Q. Do you have anything to add about the terrorist attack in Netanya?

A. No.”

The “additional item” is as follows:

Ahmad Abu Khadr (Witness No. 6 for the prosecution), in P/13:

“I confess that, about a month ago, Nasser Aweis told me that he intended to send two suicide attackers to the city of Netanya, in order to carry out a suicide attack, and asked me to help transport the suicide attackers from Nablus to Kafr Rai, and of course, I agreed.

Q. Who are those two suicide attackers?

A. The first suicide attacker is Shadi [sic] al-Najmi, a resident of the Ein Beit Alma camp, and the second one's name is Said Bata, a resident of the Ashar camp ... and both of them were wounded in a terrorist attack. That day, Nasser Aweis told me that Shadi Najmi [sic] had worked in Netanya and was familiar with the area. Q. [A.] Nasser Aweis told me that Mukadi Mukaher, a resident of al-Ain, 28 years old and married, was working for the naval police [sic] in Nablus, and that he was an activist in *Kitaab Shuhadaa al-Aqsa*. Mukadi is Nasser's and my accomplice in planning and sending the suicide attackers to Netanya, and Nasser asked me to take the two suicide attackers in the stolen Pontiac with Israeli license plates from Nablus to Kafr Rai, and I agree. On the day of the terrorist attack, I went out at about 3:00 p.m., in a taxi, to the area of Jabal Shamali in Nablus, and there, Mukadi Mukaher and the two

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suicide attackers were waiting for me in the Pontiac. Shadi was wearing blue jeans and a black shirt, and Said was wearing green pants. There, Mukadi said goodbye to them and I took them to Kafr Rai in the Pontiac. Q. What weapons did the suicide attackers have? A. Each one of them had an M-16 rifle. I saw Shadi holding a black plastic bag with an explosive charge in it, and after we got to Kafr Rai, I called Nasser Aweis and told him that we had arrived. Nasser asked to speak to Shadi, and I heard Shadi telling Nasser that he knew the way from there. Then Shadi gave the mobile phone to me, and Nasser instructed me to go back to Nablus in the taxi, and that is what I did. When I got back to Nablus, I heard on the news about the terrorist attack in Netanya, in which the two suicide attackers had been killed, and I remember they talked about a terrorist attack in a hotel in Netanya."

P/18:

"Q. In the second testimony which you gave, you talked about a suicide attack in Netanya, which took place a month before you gave the testimony, and you claimed that your job was to take the two suicide attackers from Nablus to Kafr Rai. Exactly where did you take them from, and do you know whether they were photographed before they went out to perpetrate the terrorist attack?

[Stamp] P 5: 267 [continued]

A. In addition to taking the two suicide attackers, Shadi and Said, I confess that, the day before the terrorist attack, Nasser Aweis asked me to come to the town square in Nablus and pick up Shadi and Said, and then to come to his home in the refugee camp, so that he could give me a will which he had prepared for the two suicide attackers. He also asked me to take the two suicide attackers home, photograph them, and wait for instructions.

That is what I did: I picked them up, took the will from Nasser along with a video camera, and when I got home, I filmed the two of them, each holding an M-16 in their hands, with Shadi reading the will.

Q. From whom did they get the weapons?

A. I took the will and the camera from Nasser. He gave me two M-16 weapons and 12 clips full of bullets and a hand grenade, and I gave them to them."

**Count No. 5:**

On March 30, 2002, the terrorists Majdi Hanfar and Fathi Amiri (hereinafter "Majdi and Fathi") were on their way to carry out a terrorist attack in Israel, armed with an M-16 rifle, hand grenades and an explosive charge. Majdi and Fathi ran into a force of Border Patrol police near Baqa al-Gharbiya, fired on the policemen and threw a fragmentation grenade.

The two succeeded in intentionally causing the death of a Border Patrol policeman, Master Sergeant Konstantin Danilov of blessed memory, and in wounding another policeman, Senior Master Sergeant Amil Ibrahim. (See the testimony of Witness No. 27 for the prosecution, Amir Sher, Witness No. 18 for the prosecution, Chief Superintendent Farid Ghanam, Witness No. 19 for the prosecution, Tal Vermot, P/49 (report on the seizure of exhibits), P/72-P/73 (expert opinions), P/74-P/75 (photographs), P/76 (expert opinion).

According to an argument that was set forth by the State, the Defendant – who as set forth above, was one of the senior commanders of the Terrorist Organization – entered into a conspiracy with Titi and Khadr (Witness No. 6 for the prosecution), for the purpose of perpetrating a terrorist attack which was intended to intentionally cause the death of many Israeli civilians. Within the framework of this organization, which was headed by the Defendant, and in order to carry out [the terrorist attack], Majdi and Fathi were recruited, equipped with an M-16 rifle, hand grenades and an explosive belt. The Defendant also gave instructions to arrange for the arrival of the two in Israel, transferred an amount of money totaling NIS 3500 which was intended for the purchase of a stolen car to be used for transporting them, and instructed Khadr to accompany them part of the way. After the terrorist attack, the Defendant called the media and informed them that the Terrorist Organization was responsible for the terrorist attack and had carried it out.

The admission by the Defendant is as follows:

P/5:

[Stamp] P 5: 268



"10. I delivered weapons for the execution of a shooting attack, a sacrifice attack (note by the interrogator; a suicide attack), which was supposed to be carried out in Hadera, but the terrorist attack did not succeed and people were killed in the vicinity of Baqa al-Gharbiya."

P/6:

"Q. Yes, Yasir and I worked together, to send out suicide attackers with Mahmoud Titi and Ahmad abu Khadr from Silat al-Dhaher, and if we needed anything, such as photographing the suicide attackers or distributing posters, we would use Yasir. About two weeks before the army came into Nablus, I asked Yasir to try to obtain an explosive belt for a suicide bomber, in order to carry out a terrorist attack within Israel. Yasir, in fact, brought an explosive belt, and we gave it to a suicide bomber, who traveled with another person in order to perpetrate a terrorist attack in Israel, and when he got to Baqa al-Gharbiya, soldiers shot at him and they were both killed, and during these exchanges of fire, a Border Patrol policeman was killed in Baqa.

Q. Where was the terrorist attack that you are talking about supposed to have been carried out?

A. In Hadera, and we did not define a target, and according to the plan, one of the suicide attackers was supposed to shoot and the other was supposed to blow himself up ...

Q. What kind of vehicle did the suicide attackers travel in?

A. I do not know, but I gave Ahmad NIS 3,500 in order for him to buy a stolen car to transport the suicide attackers, and Ahmad went with them to Tulkarm and showed them the way and came back by public transportation."

P.7:

"After the four of them were arrested on their way to Ramallah, Mahmoud Titi contacted me and told me that he wanted to carry out a suicide attack next to Israeli soldiers, and he asked me for an M-16 weapon, and I had an explosive belt in my possession, and I did give him an M-16. We agreed that the attack would be carried out within Israel, next to soldiers, and that after [one] suicide attacker blew himself up, another one would fire. According to what Muhammad said, he did succeed in locating two people who would carry out the terrorist attack, one from Nablus and the other one from Jiyus.

Q. How did Mahmoud Titi get to know the two people who were supposed to carry out the terrorist attack next to the soldiers?

A. According to what he told me, Ahmad Abu Khadr was the one who introduced him to the man from Nablus, and Mahmoud Titi already knew the one from Jiyus.

[Stamp] P 5: 269

Q. Who brought the suicide attackers into Israel?

A. A man named Mansour Sharim from Tulkarm.

Q. How did they get in, and how was the terrorist attack carried out in Israel?

A. They got in with a car, which had been stolen by Mansour Sharim, and after they had entered Israel and were on their way to Hadera in order to carry out the terrorist attack, a few hours later, we heard on the radio that the Israeli police had suspected the car, and that there had been an exchange of fire with the suicide attackers and they had been killed, and two of the police had been wounded, as far as I know.

Q. How did the exchange of fire with the police take place?

A. On the way to Hadera, a police car suspected that the car was stolen and asked them to stop, but they started shooting. After that, the policemen succeeded in killing them. After I heard on the radio that they had been killed, I called the media and informed them that the terrorist attack had been carried out by *Kitaab [Shuhadaa]al-Aqsa*."

[Stamp] P 5: 269 [continued]



The "additional item" is as follows:

Ahmad Abu Khadr (Witness No. 6 for the prosecution), P/13:

"... That same day, I reported to Nasser Aweis that I had a suicide attacker with me, and Nasser asked to meet that terrorist. The next day, I took Majdi to a studio in Nablus to have his picture taken, and from there to Nasser Aweis's house, and I left him there. Two days later, Nasser asked me to purchase a car with Israeli license plates, and I bought a stolen black Mitsubishi for NIS 3,500 from a resident of Tubas. I got the money for the car from Nasser Aweis. After I bought the car, I went to Nasser's house with the car, and there I met Nasser and Majdi and Juad Hanfar, and I was surprised to find another person there, named Fathi Amiri, a resident of Nablus, about 20 years old, and that was the first time that I saw that young man. And then Nasser Aweis told me that those two people, Majdi Hanfar and Fathi Amiri, were about to go out and perpetrate a suicide attack in Israel. At that point, Nasser gave Majdi an M-16 weapon, and he gave Fathi two hand grenades, and the plan was for the two of them to enter Israel, wherever they could, and to carry out a suicide attack, shooting with the M-16 and throwing grenades, and after we prepared them, I took them to Kafr Rai and I handed them over to Ziad Asasa. This was the same Ziad who had transported the suicide attacker that I talked about before. On that day, I got to Kafr Rai at around 11:00 a.m. ... And an hour later, Ziad called and said that he had heard that the two of them had been killed in Baqa, after wounding a Border Patrol policeman."

#### **Count No. 6:**

During the al-Aqsa intifada, on an unknown date, two terrorists whose identities are not known were on their way to carry out a terrorist attack in Jerusalem, armed with Kalashnikov rifles and hand grenades. The terrorists were caught at an IDF roadblock by the security forces, thus miraculously avoiding a murderous terrorist attack with multiple casualties, which the two had set out to perpetrate, with the intent of deliberately causing the death of many Israeli civilians.

According to an argument that was set forth by the State, the Defendant – who, as set forth above, was one of the senior commanders of the Terrorist Organization – entered into a conspiracy with Ahmad Abu Khadr and Ahmad Barghouti and additional activists, for the purpose of perpetrating a terrorist attack which was intended to intentionally cause the death of many Israeli civilians. Within the framework of this organization, which was headed by the Defendant, the terrorists were recruited, equipped with Kalashnikov rifles and hand grenades, and transported on the way to the scene of a terrorist attack.

The admission by the Defendant is as follows:

P/7:

[Stamp] P 5: 270

“ ... At about that time, Ahmad Abu Khadr from *Kitaab Shuhadaa al-Aqsa* contacted me and said that there were two people who wanted to carry out a terrorist attack in Israel, and I agreed to that. I informed Ahmad Barghouti of the matter and asked him if he would be able to bring them in, and it was agreed with Ahmad Abu Khadr that Alaa Abu Mustafa and Ayman Badr would take the two *mustashhids* to Ramallah. After that, I called Ahmad Barghouti and told him that the people were on their way to him. I should note that Ahmad Abu Khadr contacted me because I am responsible for *Kitaab Shuhadaa al-Aqsa*.

Q. Did Ayman Badr and Alaa Abu Mustafa know about the terrorist attack?

A. Ayman works as a driver of a public vehicle, and Alaa is a friend of Ahmad Abu Khadr, and I do not know whether they knew about the terrorist attack.

[Stamp] P 5: 270 [continued]



Q. Where was it agreed that they would meet in Ramallah?

A. According to what was agreed, Ahmad Abu Khadr was supposed to be in contact with the four, and when they got to the Ramallah area, he would call me and I would call Ahmad Barghouti and let him know where they were, so that he could meet them.

Q. Which weapons did they take with them, and how was he [sic] supposed to carry out the terrorist attack?

A. A shooting attack which included grenade-throwing, and Ahmad Abu Khadr gave the suicide attackers two hand grenades, and according to what was agreed, Ahmad Barghouti was supposed to give them two Kalashnikov rifles.

Q. Where was he [sic] supposed to carry out the terrorist attack?

A. In West Jerusalem.

Q. Was the terrorist attack carried out?

A. The four of them were arrested at a roadblock on their way to Ramallah.

The "additional item" is as follows:

Ahmad Abu Khadr (Witness No. 6 for the prosecution), P/17:

"In addition, we planned to carry out a suicide attack inside Jerusalem, and we sent the suicide attackers to Ramallah to get an explosive belt, but they were arrested on the way. The two who wanted to carry out the suicide attack are (1) Saadi Maqbul of Nablus, about 20 years old, a bachelor and unemployed, (2) Alaa Khalafwad, a resident of Nablus, about 20 years old, a bachelor who worked as a vehicle mechanic. Aswad was his *nom de guerre*. This was about four or five months ago. Nasser Aweis planned this terrorist attack along with me ... for us to carry out a terrorist attack in the Ministry of Defense in Tel Aviv. I talked about it with Nasser Aweis and Mahmoud Titi, and we decided to look for skilled activists who would carry out such a terrorist attack. In the end, we did not look for activists and we did not carry it out. With regard to the two suicide attackers, Saadi Maqbul and Alaa al-Aswad, who were on their way to Ramallah to get explosive belts so that they could go on to Jerusalem and carry out a suicide bombing, I talked about that in my second testimony. I would like to add a few points which I did not mention ... As I said, I filmed them with a video camera, reading the will, and I put a flag of the *Kitaab Shuhadaa al-Aqsa* behind them, and during the filming, he [sic] waved a Beretta weapon which I had given him. I gave the cassette [to] Nasser Aweis later. That night, the three of us slept in the apartment, and the next morning, I called Ayman the taxi driver – let me correct myself. I called a friend of mine named Awla

[Stamp] P 5: 271

Mustafa, and I asked him to send me a taxi to the apartment where I was with the young men, and he sent me a taxi driver named Ayman. When he arrived, at 10:00 a.m. the two young men got into the taxi. I asked them to call me the moment they got to Ramallah. According to the plan, I would then call Nasser Aweis and he would arrange to send the people who were supposed to supply the explosive belts to them. I forgot to mention that I gave them a hand grenade, which I had received from Nasser Aweis for them to use. The intention was to throw the grenade before blowing up the explosive belts. The two young men did not reach Ramallah; they were arrested on the way. As soon as the two young men got into the taxi, I informed Nasser Aweis."

**Count No. 7:**

During the al-Aqsa intifada, on an unknown date, a terrorist whose identity is not known was arrested on his way to perpetrating a suicide attack in Jerusalem. The man was armed, with a view to intentionally causing the death of many civilians. While he was on his way to the scene of a terrorist attack, near Beit Hanina, that terrorist was arrested by policemen and shot to death.

[Stamp] P 5: 271 [continued]



According to an argument that was set forth by the State, the Defendant – who, as set forth above, was one of the senior commanders of the Terrorist Organization – entered into a conspiracy with Titi for the purpose of perpetrating a terrorist attack which was intended to intentionally cause the death of many Israeli civilians. Within the framework of this organization, which was headed by the Defendant, and in order to carry out [the terrorist attack], the terrorist was recruited and supplied with weapons.

The admission by the Defendant is as follows:

P/6: “Q. Do you know a man named Luay Odeh?

A. Yes, I met him at the al-Najah University, and he belonged to the Popular Front, and I recruited him into the *Kitaab Shuhadaa al-Aqsa* about two months ago, and the purpose of recruiting him into the *Kitaab Shuhadaa al-Aqsa* was in order for him to assist us in terrorist attacks in the Jerusalem area, and in order for him to introduce suicide attacks [*mustashahids*] into Jerusalem. I also asked Luay to teach us how to manufacture explosives that were stronger than the explosives we were using, and Luay explained to me over the phone how to produce a certain material [*umm al-abd*], and I told him that we already knew how to produce *umm al-abd* ... About a month and a half ago, I asked Luay to check out a way of bringing a suicide bomber into Jerusalem, and he said that he would check it out. According to the plan, Mahmoud Titi was the one who located a suicide attacker, and my role was to coordinate between Mahmoud and Luay, in order to bring the suicide attacker into Jerusalem. That terrorist attack was carried out, but without success, because policemen shot the suicide attacker before the terrorist attack, and he was killed at the entrance to Jerusalem from the direction of Ramallah, and I do not know the suicide attacker’s name.”

The “item”:

No direct and separate “item” was found for the admission on this count.

However, the facts which have been proven – the fact that the Defendant was a leader in a Terrorist Organization, with the purpose of perpetrating acts of violence which were intended to cause the death and injury of persons, and the fact that the Defendant had a clear motive for carrying out such acts and had an opportunity to carry them out, and even accomplished many of them, as has been proven in each of the other counts – substantiate a conclusion that the cumulative “items” which were found for each of the admissions of the other counts may be considered as the “item” required for this count. It is necessary to consider the circumstances of the matter, and, for that purpose, the series of offenses in which the Defendant was involved, as a single unit.

### **Count No. 8:**

According to an argument that was set forth by the State in Count No. 8:

[Stamp] P 5: 272